

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22287 of 2019

Date of Decision: 13.08.2019

Sukhwinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Sh. Jagraj Singh, uncle of petitioner.

None for the State.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.77 dated 11.08.2018 registered for offences punishable under Sections 406, 420 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Maloud, District Ludhiana.

Heard.

As per allegations in the FIR, complainant had taken business loan of ₹22,50,000/- from Punjab National Bank, Branch Ludhiana. A sum of ₹28,55,000/- alongwith interest was still due against him. Co-accused, namely, Mahesh Kumar, introduced the petitioner to complainant for settlement of his loan amount. It was represented that employees of RBI were known to petitioner and co-accused, Mahesh Kumar, and they will settle the loan for ₹15 lakhs. From time to time, complainant gave ₹14 lakhs to petitioner and Mahesh Kumar for which eight blank cheques drawn on HDFC Bank and United Bank of India were issued by the petitioner.

As per custody certificate placed on record, petitioner was sent to Central Prison, Ludhiana on 26.03.2019 and has been in custody since then. The challan against him is stated to have been filed. The petitioner has relied on agreement of Major Singh, who has agreed to return ₹14 lakhs taken from complainant-Amar Singh through petitioner. Complainant-Amar Singh is also signatory to that written agreement.

Without expressing any opinion on merits of the case and keeping in view the fact that petitioner was arrested on 24.03.2019 and after presentation of challan conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sukhwinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

August 13, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No